

MULTIMEDIA



UNIVERSITY®

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019 / 2020

BLR 3084 – LABOUR AND INDUSTRIAL RELATIONS (All sections / Group)

17TH OCTOBER 2019
2.30 p.m. – 4.30 p.m.
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 3 pages, inclusive of the cover page
2. Answer **ALL FOUR (4)** questions.
3. Marks are shown at the end of each question.
4. **TAKE NOTE** that you **MUST** refer to case law and Acts of Parliament where necessary and relevant.

ANSWER ALL QUESTIONS**QUESTION 1**

Dr. Ali is a doctor with Assante Medical Centre (AMC), a private hospital based in Kuala Lumpur. He has been working with the hospital for the past 30 years as a heart specialist. He goes to the hospital every day and sees patients and performs operations as and when required at the hospital's operating theatre, assisted by the staff of the hospital and using the hospital's equipment. He earns a salary of RM 50 000 a month and AMC contributes to his Employee Provident Fund and makes salary deductions for his income tax returns monthly.

Dr. Ali is also a consultant surgeon with City Medical Centre (CMC), another private hospital in Kuala Lumpur. He only goes to CMC as and when he is asked to do so and performs operations on an *ad hoc* basis. Patients pay his fees directly to Dr. Ali, out of which he pays CMC for the use of equipment, operating theatre and staff.

In January 2019, Dr. Ali receives notice from both AMC and CMC that they are terminating his services with both hospitals as they are merging into one common private hospital and the new management is bringing in their own team.

Advise Dr. Ali as to his legal rights under industrial relations.

(25 Marks)

QUESTION 2

Constructive dismissal is forced resignation.

Discuss this statement in detail, referring to case law. Set out the elements of constructive dismissal a workman has to show in order to prove he was constructively dismissed by his Employer.

(25 Marks)

Continued...

QUESTION 3

Was the SOCSO Board correct in rejecting the Employee's claim for insurance in the case of Ketua Pengarah Keselamatan Sosial v Mohd Zaili Ali (2003)? What was their decision? What was the decision of the High Court? Explain the facts in brief.

(25 Marks)

QUESTION 4

All "employees" within the meaning of the Employment Act 1955 has a statutory right to "due inquiry"

Said Dharmalingam Abdullah v. Malayan Breweries (Malaya) Sdn Bhd [1997]

Explain this statement in relation to Section 14 of the Employment Act 1955. You are also required to explain and analyse the scope of Section 14 in detail

(25 Marks)

(TOTAL: 100 Marks)

End of Paper